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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States,

OCTOBER TERM, 1934.

No. 344.

ATLANTIC COAST LINE RAILROAD COMPANY,
Appellant,

vs.

STATE OF FLORIDA and E. S. MATTHEWS, MAMIE EATON-GREENE and W. B. DOUGLASS, ETC., *et al.*,
Appellees.

No. 345.

STATE OF FLORIDA and E. S. MATTHEWS, MAMIE EATON-GREENE and W. B. DOUGLASS, ETC., *et al.*,
Cross-Appellants.

vs.

THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, *et al.*,
Cross-Appellees.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BILL AND SUPPLEMENTAL BILL IN THE NATURE OF A BILL OF REVIEW.

CARY D. LANDIS,
Attorney General of the State of Florida.

THEO. T. TURNBULL,
Special Counsel, Florida Railroad Commission.

HENRY P. ADAIR,
AUGUST G. GUTHEIM,
R. A. BAKER,
C. G. ASHBY,
Solicitors for Brooks-Scanlon Corporation, Wilson Cypress Company, and Cummer Cypress Company, as Cross-Appellants.

J. V. NORMAN,
Solicitor for Wilson Lumber Company of Florida, Cross-Appellant.

Of Counsel:
JOHN W. DAVIS.

THE BALLOU PRESS NEW YORK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1934.

ATLANTIC COAST LINE RAILROAD COMPANY, Appellant, vs. STATE OF FLORIDA and E. S. MATTHEWS, MAMIE EATON-GREENE, and W. B. DOUGLASS, ETC., *et al.*, Appellees.	No. 344.
STATE OF FLORIDA and E. S. MATTHEWS, MAMIE EATON-GREENE, and W. B. DOUGLASS, etc., *et al.*, Cross-Appellants, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, *et al.*, Cross-Appellees.	No. 345.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL BILL IN THE NATURE OF A BILL OF REVIEW.

TO THE HONORABLE JUDGES OF THE ABOVE ENTITLED COURT:

Come now the State of Florida and E. S. Matthews, W. B. Douglass and J. C. Carter, as and constituting the Florida Railroad Commission, and Brooks-Scanlon Corporation, Wilson Cypress Company and Cummer Cypress Company and Wilson Lumber Company of Florida, appellees and cross

appellants herein, and, subject to their petition for rehearing herein, move the Court for leave to file in the above entitled cause in the United States District Court in and for the Northern District of Georgia, a supplemental bill in the nature of a bill of review, a copy of said supplemental bill being hereto attached and marked "Exhibit A" and made by reference a part hereof, or other appropriate pleading, and in support of such motion said appellees and cross appellants respectfully show unto the Court as follows:

That this Court, in its opinion in this cause delivered on the 25th day of April, A. D. 1921, proceeded upon the assumption that the Commer Scale of rates, viz., the lawful state rates of the State of Florida, was unjust and unreasonable and that restitution should not be awarded for that reason upon the basis of such rates, and in the course of its opinion, this Court asserted that the burden was upon these appellees and cross appellants to show that the charges collected from them by the Atlantic Coast Line Railroad Company under and in pursuance of the invalid and unlawful order of the Interstate Commerce Commission herein involved were unreasonable, and in that connection said:

> "In the absence of such a showing the carrier does not offend against equity and conscience in standing on its possession and keeping what it got."

That said appellees and cross-appellants have certain additional evidence upon this issue which they desire to present to the District Court for the Northern District of Georgia, said evidence being described in greater detail in said supplemental bill.

That from the very beginning of these proceedings these appellees and cross-appellants have contended that logs would not move either in interstate commerce or in intrastate commerce in Florida at any scale of rates substantially in excess of the Commer scale. That in the opinion and decision of this Court wherein the order of the Interstate Commerce Commission was declared invalid the Court said (262 U. S. 214):

"The raising of rates does not necessarily increase revenue. It may in particular localities reduce revenue instead of increasing it, by discouraging patronage (citing cases). The Commission stated in its report that witnesses for the Florida intervenors had testified 'that any material increase in the Florida intrastate rates would either cause them to move their plants to the timber or abandon operations' and that in either event the carrier would lose considerable traffic."

That, as is shown by the report of the Interstate Commerce Commission (180 I. C. C. 197), such was the defense of these appellees and cross-appellants in the reopened proceedings before that Commission. That these appellees and cross-appellants there demonstrated the havoc which had been wrought by the invalid order of that Commission, showing that millions of dollars of investments had been lost and whole communities wrecked and destroyed, and produced most of the remaining shippers to prophesy that if the Commission scale were again increased it would destroy the remaining traffic. That the evidence showed that the scale of rates prescribed by the order of the Commission for interstate log traffic from Florida to Georgia had not produced any movement whatsoever (180 I. C. C. 189). That the Interstate Commerce Commission refused to credit these prophecies and estimated (upon a so-called "conservative" estimate) that the intrastate log traffic of the Atlantic Coast Line Railroad in Florida, would be not less than 7,431 cars per annum under the scale of rates prescribed by its order (180 I. C. C. 188-189). That said order became effective February 24, 1933, and that in truth and in fact the Florida intrastate log traffic of the Atlantic Coast Line Railroad under the scale of rates so prescribed for the period from February 24, 1933, to December 31, 1933, was less than 400 cars. That after said order of the Interstate Commerce Commission was sustained by this Court, and after the entry of the final decree in this cause and the appeal therefrom was lodged in this Court, said Atlantic Coast Line Railroad Company, in recognition of the fact that said scale

of rates prescribed by said order had so discouraged patronage as effectually to destroy the traffic and in recognition of the fact asserted by these appellees and cross-appellants throughout these proceedings that logs would not move under any scale of rates substantially higher than the Cummer scale of rates, voluntarily published a scale of rates for the transportation of logs over the lines of its entire system, including Florida, which scale of rates is only slightly higher than the Cummer Scale of rates, and which scale of rates is far lower than the scale of rates prescribed by the invalid and unlawful order of the Interstate Commerce Commission herein involved; that at or about the same time the Southern Railway Company published identical rates on logs to the more important milling points on its lines in Florida, Georgia, South Carolina and North Carolina, having theretofore published rates upon substantially the level of the Cummer scale to milling points on its lines in other States.

That likewise, since the completion of the taking of testimony in this cause, the Southern Freight Association has approved rates on logs throughout Southern teritory (viz., the Southeastern portion of the United States) which are as low as or lower than the Cummer Scale of rates, and such rates are in effect in most of said Southern territory; that similar action was taken at or about the same time by the Southwestern Freight Bureau and by the railroads in Southwestern territory.

That the cost of handling logs on the Atlantic Coast Line Railroad in Florida is now greater than was such cost at the time of the shipment of the logs in connection with which restitution is here sought, because of the fact that none of such logs now move in train-loads; and that the fact that logs now move throughout the Southern portion of the United States, including Florida, under rates which are substantially upon the level of the Cummer Scale and the fact that trial and experience have shown that such traffic will not and cannot move at the rates prescribed by the void order of the Commission herein clearly demonstrate that

the scale of rates so prescribed by said Commission is and was unreasonably high and that it would be inequitable to enforce said rates against these appellees and cross appellants in connection with the restitution here sought by them.

That authorities for the filing of the motion and of such supplemental bill are the following decisions of this Court:

Southard v. *Russell*, 57 U. S. 547;
Ballard v. *Searls*, 130 U. S. 50.

WHEREFORE, these appellees and cross-appellants move the Court for leave to file, in substantially the form presented, said supplemental bill in the nature of a bill of review, a copy of which is hereto attached as aforesaid, or other appropriate pleading, in said District Court for the Northern District of Georgia.

Respectfully submitted,

CARY D. LANDIS,
Attorney General of the State of Florida.

THEO T. TURNBULL,
Special Counsel, Florida Railroad Commission.

HENRY P. ADAIR,
AUGUST G. GUTHEIM,
R. A. BAKER,
C. G. ASHBY,
Counsel for Brooks-Scanlon Corporation, Wilson Cypress Company, and Cummer Cypress Company, as Cross-Appellants.

J. V. NORMAN,
Counsel for Wilson Lumber Company of Florida, Cross-Appellant.

Of Counsel:
JOHN W. DAVIS.

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.:

C. G. Ashby, being duly sworn, deposes and says:

1. That he is of counsel for Brooks-Scanlon Corporation, Wilson Cypress Company and Cummer Cypress Company, appellees and cross-appellants in the above entitled cause.

2. That he is authorized to make this affidavit in behalf of all of the appellees and cross-appellants therein.

3. That he has read the above and foregoing motion and the supplemental bill therein mentioned, and that the matters and things therein set forth are true, save and except such as are set forth upon information and belief and as to those he verily believes them to be true.

C. G. Ashby.

Sworn to before me this
21st day of May, 1935.

Margaret L. Riley,
Notary Public
Queens County Clerk's No. 2920
Cert. filed in N. Y. Co. No. 250, Reg. No. 6-R-157
Commission expires March 30, 1936
(Seal)

"EXHIBIT A"

IN THE

UNITED STATES DISTRICT COURT,

IN AND FOR THE NORTHERN DISTRICT OF GEORGIA.
ATLANTA DIVISION.

STATE OF FLORIDA, *et al.*,
Complainants,
vs.
UNITED STATES OF AMERICA, *et al.*,
Defendants.

SUPPLEMENTAL BILL IN THE NATURE OF A BILL OF REVIEW.

TO THE HONORABLE JUDGES OF THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR THE NORTHERN DISTRICT OF GEORGIA:

The State of Florida and E. S. Matthews, W. B. Douglass, and J. C. Carter, as and constituting the Florida Railroad Commission, and Brooks-Scanlon Corporation, Wilson Cypress Company and Cummer Cypress Company and Wilson Lumber Company of Florida, with leave of Court first had and obtained, file this, their supplemental bill in the nature of a bill of review herein, and respectfully show unto the Court as follows:

I.

That heretofore on, to-wit, the 14th day of April, 1934, this Court, by its final decree in this cause awarded by way of restitution to these complainants severally, certain sums representing the differences between the amounts paid by these complainants severally to the Atlantic Coast Line Rail-

road Company for the transportation of certain logs in the State of Florida under and in accordance with an invalid and unlawful order of the Interstate Commerce Commission erroneously upheld by this Court, and the amounts which this Court found would have been reasonable to have been paid for such transportation service. That this Court refused to award restitution of the full difference between the established State rate and the unlawful rate fixed by the Interstate Commerce Commission for the sole reason that said State rate was found by this Court to be unjust and unreasonable and confiscatory.

II

That since the time of the entry of said final decree herein, and since the time that appeal was taken therefrom and lodged in the Supreme Court of the United States, the Atlantic Coast Line Railroad Company, defendant herein, by its tariff I. C. C. No. 11981, issued September 17, 1914, and effective intrastate September 29, 1914, and interstate October 19, 1914, and renewed by its tariff I. C. C. No. 11914, issued January 29, 1916, and effective intrastate February 4, 1916, and interstate February 21, 1916, voluntarily published rates applicable between all stations on its lines, including all stations in the State of Florida, for the transportation of logs, bolts and billets, in carloads of a minimum carload weight of sixty thousand (60,000) pounds, which rates were and are expressed in cents per hundred pounds as follows, viz.:

Distance	Cents Per Hundred Pounds
25 miles and less	2
50 miles and over 25	2½
75 miles and over 50	3
100 miles and over 75	3½
125 miles and over 100	4

that said scale of rates compares with the Commerce scale of rates and the scale of rates prescribed by the Interstate Com-

merce Commission by its invalid order herein (viz., the scale of rates collected for the transportation services herein involved), all being expressed in cents per 100 pounds, as follows:

Distance	New A. C. L. Basis	Cummer Scale	I. C. C. Scale
50 miles	5	1.71	3.5
50 miles	5.5	2.10	4.5
75 miles	6	2.50	5.5
100 miles	6.5	2.90	6.0
125 miles	4	3.20	7.0

That said new scale of rates as published by said Atlantic Coast Line Railroad Company is lower than the scale prescribed by the Interstate Commerce Commission herein by almost exactly 70% of the difference between that scale of rates last mentioned and said Cummer Scale of rates.

III.

That said rates as published were and are transit rates — that is, they are applicable where logs, bolts and billets are shipped from stations on the Atlantic Coast Line Railroad to other stations on the Atlantic Coast Line Railroad, and there manufactured and the manufactured product reshipped via the Atlantic Coast Line Railroad; that the complainants Wilson Cypress Company and Cummer Cypress Company, which companies own and have here asserted more than two thirds in amount of all the claims herein involved, were by contracts made with the Atlantic Coast Line Railroad required to cause all rail shipments of the manufactured products to points reached by that railroad, or its connecting lines or roads, to be shipped via the Atlantic Coast Line Railroad, unless its charges for such transportation were higher than the lawfully published rates for like transportation of similar shipments over the lines of other transportation companies; that said contracts have been fully performed by said companies; that witnesses for the Atlantic Coast Line Railroad have testified herein that ninety-five per

cent. of the logs in the territory covered by that railroad go to sawmills, and that all log rates of that railroad were substantially transit rates, "because the mills ship out the products from logs we carry in, but it is not stated in the tariff as a transit rate at all" (R. 669 of the record herein before the Supreme Court); that the transportation service herein involved and in connection with which restitution is here sought was substantially a transit service, in that substantially all of the products of the logs herein involved were reshipped via Atlantic Coast Line Railroad. That likewise said rates are published to expire with June 30, 1935, unless sooner cancelled, changed or extended, and are declared to be published to meet motor truck competition although the Interstate Commerce Commission found (190 I. C. C. 588, 598): "that there is but little competition between defendant (Atlantic Coast Line Railroad) and trucks for the movement of logs intrastate in Florida for distances over 25 miles * * *".

IV.

That there have been no changes in the circumstances and conditions of the transportation services rendered by said Atlantic Coast Line Railroad in the transportation of logs in intrastate commerce in Florida since the time of the transportation services herein involved except that the rates prescribed by the Interstate Commerce Commission by its order effective February 25, 1933, effectually destroyed the log traffic in Florida of said railroad, and that said rates voluntarily published by said railroad in September, 1934, as aforesaid, were found necessary if said railroad was to continue to transport logs in intrastate commerce in Florida. Thus, where the Interstate Commerce Commission in its report of July 5, 1932 (186 I. C. C. 157), found that on a so-called conservative estimate the Florida log movement of the Atlantic Coast Line Railroad should average 7,431 cars a year under the rates prescribed by the Interstate Commerce Commission (186 I. C. C. 188-189), the fact is that

the actual movement in the year 1933 (omitting the period prior to February 25, 1933, the effective date of the order) under those rates was less than 400 cars. That all of the trainload traffic in Florida on the Atlantic Coast Line Railroad was discontinued, and that the average cost per ton-mile (or other comparable unit) of handling the present traffic under the new scale of rates so published by said railroad as aforesaid is therefore greater than was the average cost per ton-mile (or other comparable unit) of handling the log traffic here involved. That the said Atlantic Coast Line Railroad could and would have made a substantial profit, and one with which it is now satisfied, if it had handled the traffic herein involved, and in connection with which these claims are here asserted; upon the basis of said new scale of rates so published by it. And that said new scale of rates so published by said Atlantic Coast Line Railroad constitutes an increase of only 25% over the Cummer scale of rates.

V.

That since the time of the entry of said final decree herein and since the time that appeal was taken therefrom and lodged in the Supreme Court of the United States, the Southern Railway Company, by its Tariff I. C. C. No. A-10551, issued October 11, 1934 and effective November 13, 1934, voluntarily published rates from various stations on its lines and the lines of the Georgia, Southern & Florida Railway to: Jacksonville, Florida; Columbia, S. C.; Denmark, S. C.; Jasper, Florida; Valdosta, Georgia; Cordale, Georgia; Vienna, Georgia, and Hazlehurst, Georgia, which are the same as the new scale of rates published as above described by said Atlantic Coast Line Railroad in September, 1934. That by supplements to said tariff said Southern Railway Company has extended the application of said rates so published by it to include movements of logs to: Pisgah Forest, North Carolina; Macon, Georgia; Atlanta, Georgia; Badham, S. C.; Woodfin, N. C., and Hazlewood, N. C.; that

said points of destination constitute most, if not all, of the important milling points on said railroads in Florida, Georgia, South Carolina and North Carolina; and that said Southern Railway Company had prior thereto, as hereinafter and in the record herein appears, put into effect rates which were and are substantially upon the level of the Cummer scale of rates to most, if not all, of the important milling points on its lines in Alabama, Mississippi and Tennessee.

VI.

That shortly prior to the [illegible] when the Interstate Commerce Commission delivered its report and order of July 5th, 1932, prescribing intrastate rates in Florida for logs on said Atlantic Coast Line Railroad Company, certain railroads operating in southeastern and southwestern States had published and put into effect certain reduced scales of rates for the transportation of logs. That said rates were expressed in lump sum terms per carload, regardless of weight, and were substantially upon the following basis, viz.:

Distance	*Rates per car, regardless of weight*
25 miles and less	$12.00
50 miles and over 25 miles	15.00
75 miles and over 50 miles	17.50
100 miles and over 75 miles	20.00

That said rates are and were found by the Interstate Commerce Commission to be "on substantially the same level as the Cummer Scale" (190 I. C. C. 588, 589). That witnesses of the defendant herein, particularly the traffic manager of the Louisville & Nashville Railroad, testified that said rates were applicable to most of the manufacturing points in the territory south of the Kentucky border served by the Louisville & Nashville Railroad, viz., the States of Tennessee, Alabama, Mississippi and the western portion of Florida (R. 388 of the record herein before the Supreme Court).

VII.

That after the said report and order of July 5, 1932, of the said Interstate Commerce Commission (180 I. C. C. 157), and even after the report and order of January 9, 1933, of said Interstate Commerce Commission (190 I. C. C. 553), the application of said reduced rates was greatly extended in Southern territory by their publication by additional railroads and by the extension of their application upon the railroads which had theretofore published them. That said reduced rates were put in evidence in this proceeding and were shown to have been in effect in Southern territory upon the following railroads:

Alabama Great Southern Railroad;
Alabama, Tennessee & Northern Railroad;
Birmingham & Southeastern Railroad;
Central of Georgia Railway;
Cincinnati, New Orleans & Texas Pacific Railway;
Columbus & Greenville Railway;
Gulf, Mobile & Northern Railroad;
Gulf & Ship Island Railroad;
Illinois Central Railroad;
Louisville & Nashville Railroad;
Mobile & Ohio Railroad;
Nashville, Chattanooga & St. Louis Railway;
New Orleans & Northeastern Railroad;
Seaboard Air Line Railway;
Southern Railway;
St. Louis-San Francisco Railway;
Tennessee, Alabama & Gulf Railway;
Western Railway of Alabama;
Yazoo & Mississippi Valley Railroad.

and the same were shown to have been in effect in Southwestern territory upon the following railroads:

Chicago, Rock Island & Pacific Railway;
Missouri Pacific Railroad;
St. Louis-San Francisco Railway;
St. Louis-Southwestern Railway.

That there is attached hereto and marked "Exhibit A" and made by reference a part hereof a map of the United States of America showing the railroad lines thereon and that the application of said rates so reduced as aforesaid and published per car regardless of weight is shown thereon in blue colored crayon lines.

VIII.

That after the close of the taking of testimony herein on to-wit, November 28, 1933, the Southern Freight Association did approve certain rates on logs, bolts and billets to be applied or which might be applied in carloads, minimum weight 80,000 pounds and excess in proportion, from and after February 1, 1934, the said rates so approved having been approved in writing and being as follows:

APPROVED DESCRIPTION: Logs, Bolts and Billets, carload minimum weight 80,000 pounds, excess in proportion.

APPROVED MIN. CL. WT.:

APPROVED RATES: Where lower rates have been published on logs, bolts and billets since 1931, same to be advanced to be not less than the following scale:

Distances	*Rates Per Car*
25 miles	$12.00
50 miles	15.00
75 miles	17.50
100 miles	22.50
125 miles	27.50

That said rates so approved by said Southern Freight Association compare with the Cummer Scale of rates, upon an 80,000 pound car, as follows:

Distance	Rates Approved by Southern Freight Association	Summer Scale
25 miles	$12.00	$13.68
50 miles	15.00	16.80
75 miles	17.50	18.40
100 miles	22.50	20.80
125 miles	27.50	25.00

IX.

That all, or substantially all, of the railroads in Southern territory which had theretofore, viz., since 1931, published rates on logs, bolts and billets per car regardless of weight as aforesaid have now published the rates above described which have ben approved by said Southern Freight Association, and that any railroads operating in said Southern territory may, upon notice to said Southern Freight Association, apply the said scale of rates approved as aforesaid upon all or any part of its lines in said territory.

X.

That said Southern Freight Association is a quasi-official organization comprised of representatives of all or substantially all of the railroads constituting the Southern rate group of railroads and all or substantially all of the railroads operating in what is known as Southern territory, and that the action aforesaid was taken and approved after notice and a public hearing by and before a Committee of said Association, at which the railroads and the public were afforded an opportunity to be heard, and after consideration by the executive committee of said Association, said executive committee consisting of, to-wit, the Vice-Presidents and Traffic Officers of to-wit, 23 of the principal railroads operating in said Southern territory.

XI.

That at or about the time that said action was taken by the Southern Freight Association like or similar action with respect to like or similar rates was taken by the Southwestern Freight Bureau; that said Southwestern Freight Bureau is a quasi-official organization comprised of representatives from all or substantially all of the railroads operating in what is known as Southwestern territory, and that the action aforesaid was taken and approved after a public hearing by a Committee of said Association at which the railroads and the public were afforded an opportunity to be heard, and after consideration by the Executive Committee of said Association, said Executive Committee consisting of to-wit, the Vice-Presidents and Traffic Officers of most, if not all, of the principal railroads operating in said Southwestern territory.

XII.

That all, or substantially all, of the railroads in Southwestern territory which had theretofore, viz., since 1931, published rates on logs, bolts and billets per car regardless of weight as aforesaid, have now published the rates above described which have been approved by said Southwestern Freight Bureau, and that any railroads operating in said Southwestern territory may, upon notice to said Southwestern Freight Bureau, apply the said scale of rates approved as aforesaid upon all or any part of its lines in said territory.

XIII.

That at the time of the final hearing herein, in December, 1933, these complainants having just learned of said action of said Southern Freight Bureau and said action or said contemplated action of said Southwestern Freight Association, offered the same in evidence before this United States District Court for the Northern District of Georgia and said

offer was refused and the introduction of evidence with respect thereto thereby prevented upon the ground that the same was immaterial and irrelevant to the issues in this cause; that there can now be no doubt, with the action taken thereunder by the railroads as aforesaid and in connection with the other matter herein asserted, that said evidence is admissible and pertinent.

XIV.

That the aforesaid new rates of said Atlantic Coast Line Railroad Company and said Southern Railroad Company, published since the final decree herein, are shown on said map "Exhibit A" hereof in red colored crayon lines. That said rates with the rates above described approved by said Southern Freight Association, all being on substantially the level of the Cummer Scale, have been demonstrated to be the only rates which will move logs in Southern territory. That all of said rates have been voluntarily published by said railroads so publishing the same and the reasonableness of said rates is thereby demonstrated.

XV.

That during the time of the transportation service in connection with which claims are here asserted, and prior thereto, the larger part of the log traffic of the Atlantic Coast Line Railroad in Florida had moved in trainload quantities upon regular schedules; that at all times since the effective date of the order of July 5, 1932, of the Interstate Commerce Commission, the log traffic in Florida and elsewhere on said Atlantic Coast Line Railroad has moved in less than trainload quantities; that the cost to the railroad of handling logs in trainload quantities is less than the cost of handling such logs in less than trainload quantities; and that during the time of the transportation services in connection with which claims are here asserted the Cummer Scale, under the cir-

cumstances and conditions in which it was operated in the State of Florida by the Atlantic Coast Line Railroad, was a reasonable scale of rates for the transportation services in connection with which claims for restitution are here asserted.

XVI.

WHEREFORE these complainants severally move this Court to set aside its said decree of April 14, 1934, and, upon the taking of further testimony herein, to award to the complainants, severally, restitution upon the basis of said Cummer Scale or rates or, in the alternative, restitution upon such basis as the Court shall find reasonable in the premises.

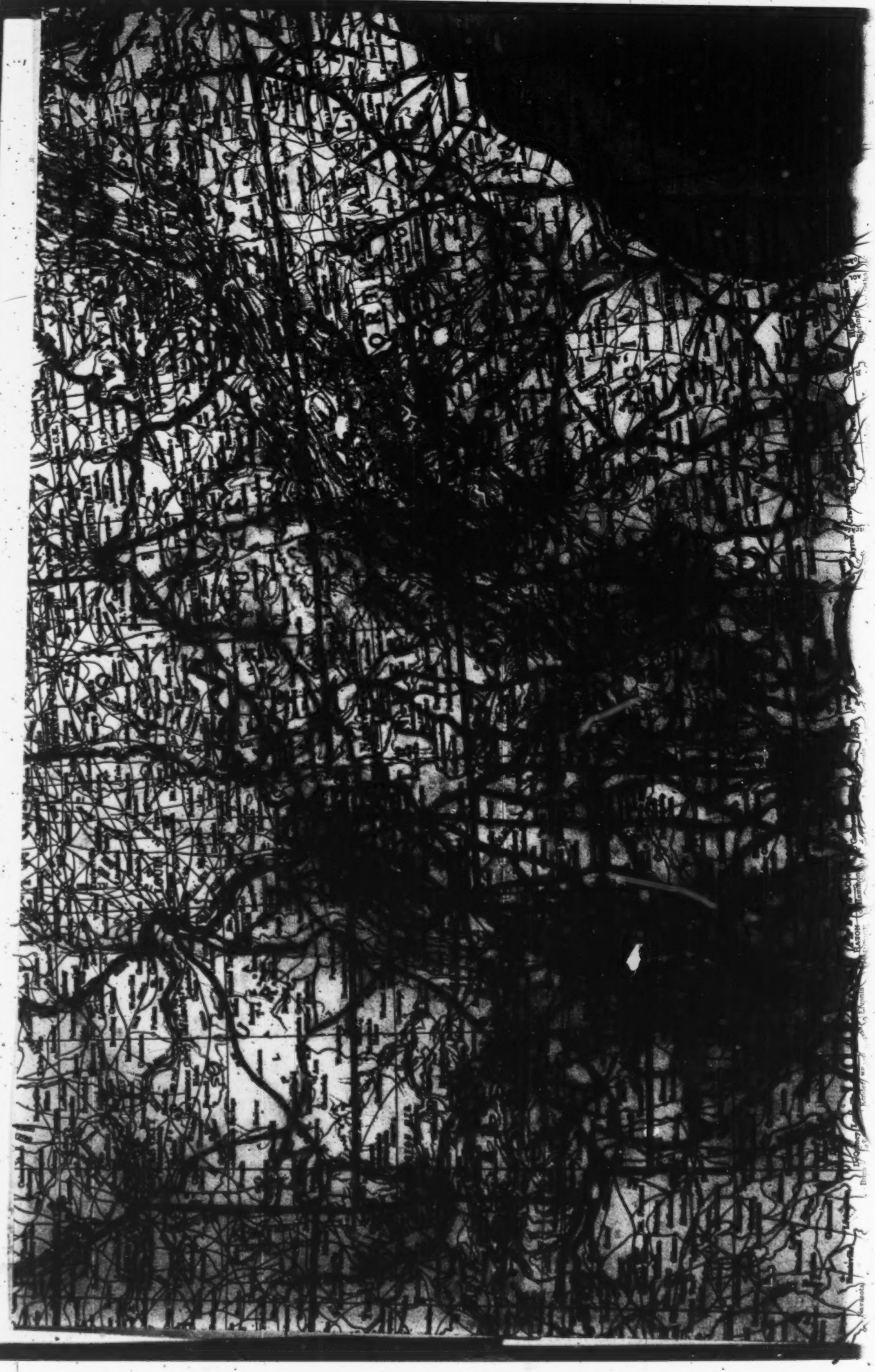
Respectfully submitted,

CARY D. LANDIS,
Attorney General of the State of Florida.

THEO T. TURNBULL,
Special Counsel, Florida Railroad Commission.

HENRY P. ADAIR,
AUGUST G. GUTHEIM,
R. A. BAKER,
C. G. ASHBY,
Solicitors for Brooks-Scanlon Corporation, Wilson Cypress Company, and Cummer Cypress Company, as Cross-Appellants.

J. V. NORMAN,
Solicitor for Wilson Lumber Company of Florida, Cross-Appellant.



CINCINNATI
ORLEANS
Myron
Crawfordsville
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